

### **Remarks**

Prior to this amendment, claims 1-11, 13, 15, 18-38, and 40-48 are pending in this application, of which claims 3-11, 13, 15, 18-38, and 40-42 are withdrawn. By this amendment, claims 1, 3-11, 15, 18-21, 23-36, 38, 40-43, and 45-47 are canceled and new claims 49-52 are added. Claims 22, 27, and 48 are amended to correct dependency.

Support for new claims 50 and 51 can be found in the specification at least at page 8, lines 26-27, page 11, lines 22-24, and page 21, lines 13-20. Support for new claim 52 can be found in the specification at page 35, line 9.

No new matter is added by these amendments. Unless specifically stated otherwise, none of these amendments are intended to limit the scope of any claim. Applicants reserve the right to prosecute any removed subject matter in a continuation application. After entry of this amendment, **claims 2, 22, 37, 44, and 49-53 are pending, of which claims 22 and 37 are withdrawn.** Reconsideration of the pending claims is respectfully requested.

#### *Claim rejections under 35 U.S.C. §112, first paragraph*

Claims 1, 43, and 45-48 are rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement as the claims are directed to a genus of purified p28ING5 tumor suppressor proteins having a sequence comprising amino acid residues 1-13 and 222-240 of SEQ ID NO: 2 or a sequence having one or more conservative substitutions thereof, wherein the sequence has at least 90%, 95%, or 98% sequence identity over the entire length of SEQ ID NO: 2. Applicants respectfully traverse this rejection. However, solely to advance prosecution in this case, claims 1, 43, and 45-47 have been canceled, rendering the rejection of these claims moot. In addition, claim 48 is amended herein to depend from allowed claim 2 and incorporates all the limitations thereof. Thus, Applicants submit that amended claim 48 is allowable. In light of these amendments, Applicants respectfully request withdrawal of this rejection.

#### *Claim rejections under 35 U.S.C. §102*

Claims 1, 43, and 45-48 are rejected under 35 U.S.C. §102(e) for allegedly being anticipated by Azimzai *et al.* (U.S. Patent Application Publication No. 2006/0127894, published June 15, 2006 and having a priority date of September 7, 2001). Applicants respectfully traverse

this rejection. However, as discussed above, claims 1, 43, and 45-47 are canceled, rendering the rejection of these claims moot, and claim 48 is amended to depend from allowed claim 2. In light of the above amendments and canceled claims, Applicants respectfully request withdrawal of this rejection.

*Request for Rejoinder*

As stated in the Office action, claims 2 and 44 are allowed. In accordance with the current Patent and Trademark Office Guidelines for Restriction Requirements in TC1600 and as requested in the Amendment and Response to Restriction Requirement submitted on December 4, 2006, Applicants respectfully request that method claims which depend from or otherwise include all the limitations of the allowed composition claims (claims 2 and 44) be rejoined and examined. Thus, as claims 22 and 37 are method claims which depend from claim 2 and incorporate all the limitations thereof, Applicants respectfully request that claims 22 and 37 be rejoined with claim 2 (and 44).

*Allowability of New Claims*

Finally, new claims 48-52 depend, directly or indirectly, from allowed claim 2, and incorporate all the limitations thereof. Thus, Applicants submit that new claims 48-52 are also allowable and respectfully request that these claims be indicated as such in a subsequent communication from the Office.

**Conclusion**

Based on the foregoing amendments and arguments, the claims are in condition for allowance and notification to this effect is requested. If for any reason the Examiner believes that a telephone conference would expedite allowance of the claims, please telephone the undersigned at the number listed below.

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